1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

From what Adair tells us[14a] it would seem that the stones used in playing the chunkey game were town property.

The house, and probably the necessary household furniture, belonged to the wife, the tools made and used by the husband to him, and thus they were vested in different clan groups and some of them probably went to entirely different persons at the death of the owners. In early times such a large part of a man's personal property was buried with his corpse that not much was left for heirs to quarrel over. Bartram says that the first selection from whatever was left was made by the head wife of the deceased, the remainder being divided between his other wives and his children.[15] This may have been true in certain special cases but there is reason to doubt that it represented a custom common in earlier times. Says Eakins:

"The descent of property is fixed. It is willed as the parents please. But if no will has been made, the property reverts to the children. But in case of a marriage with a widow, with children, her property reverts to her children by her first husband. The eldest son is entitled only to an equal portion with the rest. A written will is binding. A verbal will, established by two responsible persons, is valid also. If there has been no other disposition made of the medal, it goes to the eldest son. In former times, all relics were taken possession of by the deceased sister's eldest son. But now they are the subject of legacy as other property."[16]

This statement dates, of course, from a comparatively late period in the history of the Creek Indians, about the year 1850. The same authority states just above that anciently all property descended in the female line—indeed, he implies as much in the quotation just given—and there is every reason to believe that this is correct. It is confirmed by Gregg.[17]

As to the lands of the confederacy outside of these town areas we may probably rely upon the following statement, also by Bartram:

"Every individual inhabitant has an equal right to the soil and to hunt and range over this region, except within the jurisdiction of each town or village, which I believe seldom extends beyond its habitations and planting grounds. Perhaps the *Uches* are to be excepted. They claim an exclusive property, by right of a contract; but though they sometimes put the Creeks in mind of this privilege, when their hunters make too free with their hunting grounds, yet the dispute seldom goes further, as the Confederacy are cautious of offending the Uches, and yield to their common interest and safety."[18]

[14a] See p. 466.
[15] Bartram, Travels, p. 514.
[16] Schoolcraft, Ind. Tribes, vol. i, p. 283.
[17] Gregg, Commerce of the Prairies, in Thwaites, Early Western Travels, vol. 20, p. 217.
[18] Bartram in Trans. Am. Eth. Soc., vol. iii, p. 22.